

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALBERTO ARREOLA and
POMPILIA ARREOLA,

Plaintiffs,

v.

J.P. MORGAN CHASE BANK, N.A. and
FINANCIAL TITLE COMPANY,

Defendants.

Case No. 5:13-cv-02169-PSG

**ORDER REASSIGNING CASE WITH
REPORT AND RECOMMENDATION
THAT CASE BE DISMISSED**

(Re: Docket No. 4)

On May 10, 2013, this case was filed, but no filing fee was tendered, nor was an application to proceed in forma pauperis filed.¹ On August 13, 2013, a case management conference was scheduled to be held, but no party appeared.² On September 10, 2013, the court ordered Plaintiff Alberto Arreola to show cause in writing why the case should not be dismissed for failure to prosecute.³ Plaintiffs have not filed any written response to the order to show cause. Dismissal thus is warranted.

¹ See Docket No. 1.

² See Docket No. 3.

³ See Docket No. 4 at 1 (“IT IS HEREBY ORDERED that no later than September 17, 2013, Plaintiff Alberto Arreola is ordered to show cause in writing why the case should not be dismissed for failure to prosecute. Failure to comply with this order may result in dismissal of the action pursuant to Fed. R. Civ. P. 41(b).”). Although the order to show cause only was directed towards

1 Because the parties have not consented to magistrate judge jurisdiction, the case shall be
2 reassigned to a district judge with the recommendation that it be dismissed for failure to prosecute.⁴

3 **IT IS SO ORDERED.**

4 Dated: July 11, 2014

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6 PAUL S. GREWAL
7 United States Magistrate Judge
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26 Plaintiff Alberto Arreola, and not co-Plaintiff Pompilia Arreola, neither plaintiff has prosecuted
27 this case in any way beyond filing the complaint over fourteen months ago.

28 ⁴ See 28 U.S.C. § 636(c).